

## EXHIBIT D

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February 19, 2009

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(Via email and FedEx)

Re: *State of Oklahoma v. Tyson et al.*, No. 05-CV-0329-GKF-PJC  
North Wind CD02

Dear Michael:

Without waiving any of the objections which we have previously made, we are today FedExing to you North Wind CD02 containing emails and documents with bates numbers NW-OK.336 through NW-OK.482, as reflected on the accompanying index. These are being produced in compliance with our previous offer to provide such documents once a decision had been made concerning publication of the manuscript submitted by Dr. Valerie J. Harwood, et al., to the Journal of Applied and Environmental Microbiology ("AEM"). On January 23, 2009, AEM notified the authors that the manuscript has not been selected for publication.

This constitutes the production of the files maintained by Jennifer Weidhaas, including all e-mails. We are gathering the documents maintained by Dr. Harwood and should have those for you by the first of next week.

If you have any questions concerning this matter, please let me know.

Sincerely,



Louis W. Bullock

cc: Jay Jorgensen (via email)

